

13 May 1986

~~CONFIDENTIAL~~NATIONAL SECURITY DECISION  
DIRECTIVE NUMBER \_\_\_\_\_

DATE

PROTECTING INTELLIGENCE  
SOURCES AND METHODS

The ability to maintain and protect secrets is essential to the viability and credibility of the United States intelligence effort. In order for the United States to receive maximum benefit from intelligence information, it must be widely disseminated among government departments and agencies. Such material often is inherently capable of divulging information that could compromise the intelligence sources and methods that provided it.

The revelation of classified information to persons not authorized to receive it is prohibited by law (Title 18, U.S.C. Section 793-794). The unauthorized disclosure of agent identities and of classified information concerning cryptographic systems and communications intelligence activities is also prohibited (50 USC 421-426 and 18 USC 798 respectively). Persons authorized access to classified information agree, as a condition of access, to obtain official approval before any public revelation of such information. These requirements notwithstanding, the public exposure of classified information has become commonplace. The disclosure of classified intelligence information is especially damaging to the national security. The compromise of such data frequently damages our ability to gather information and conduct intelligence activities vital to the national defense, foreign relations and economic interests of the United States. The replacement of compromised sources and methods is costly, imposing a needless burden upon the American taxpayer. Often, the damage is so severe as to be irreparable.

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The protection of intelligence sources and methods is the statutory responsibility of the Director of Central Intelligence (DCI), under the terms of the National Security Act of 1947. This directive establishes national policies and procedures to enable the DCI to protect information relating to intelligence sources, methods and activities and provides mechanisms to investigate the unauthorized disclosure of such information.

INVESTIGATIVE REQUIREMENTS

The Director of Central Intelligence is hereby designated the focal point within the Executive Branch responsible to the President for combatting unauthorized disclosures of intelligence sources or methods. The heads of federal departments and agencies will report to the DCI the unauthorized disclosure of information relating to intelligence sources or methods and shall ensure timely preliminary investigation of such disclosures which may have occurred in their organizations. The objective of such investigations will be to identify the authorized recipient of the classified intelligence information responsible for its unlawful disclosure. The DCI is authorized to request investigation by any government element in which an unauthorized disclosure of classified intelligence information may have occurred, and the head of such element is required to respond in a timely manner to the full extent of the organization's capabilities and provide the results of the investigation to the DCI. In particularly egregious cases, the DCI will request the Attorney General to direct the FBI to open an investigation.

To provide prompt, effective support to this effort, the Attorney General and the Director of the Federal Bureau of Investigation will establish a special joint investigative unit dedicated to investigating compromises of classified information related to intelligence sources and methods. This unit

## CONFIDENTIAL

will be responsive to requests directed to the Attorney General by the DCI. Upon authorization of the Attorney General, it will conduct investigations independently or concurrently with investigative units of the various departments and agencies.

The consensual and collusive nature of most unauthorized disclosures of intelligence sources and methods makes them particularly difficult to investigate successfully. In those cases of unlawful disclosure of intelligence information which are especially damaging to sources and methods, and in which the likely sources of the disclosure can be reduced to a suitably small number, the investigation will be supplemented by the selective use of polygraph examinations. The scope of such polygraph examinations will be limited to determining the identity of the individual who disclosed the classified intelligence to an unauthorized person or persons. The DCI is authorized to request the use of selective polygraph examinations in investigations involving the unauthorized disclosure of intelligence source and method information, and department and agency heads are required to respond in a timely manner to the full extent of their organizations' capabilities. Examinations may be conducted by qualified examiners of the agency receiving the request or by those of the Federal Bureau of Investigation. In cases under the cognizance of the DOJ/FBI special unit, polygraph examinations will be performed by the FBI. Participation in polygraph examinations for this purpose will be voluntary. Investigative findings shall consider all available information and the results of all investigative efforts undertaken. Refusal to take a polygraph examination may be considered in conjunction with other evidence in determining action to be taken in cases of unauthorized disclosure. Such refusal shall not serve as the sole basis for action against any individual.

CONFIDENTIAL

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REPORTING REQUIREMENTS

Departments and agencies, or elements thereof, originating or receiving classified intelligence information will exercise the utmost care in protecting it and will report to the DCI by the most expeditious means any apparent unauthorized disclosure thereof. The DCI will report to the Attorney General all such compromises which are potential violations of law. In selected cases, the DCI will request the Attorney General to order an investigation by the Department of Justice/FBI special unit. Nothing herein precludes departments and agencies also reporting compromises of classified intelligence directly to the Attorney General, in accordance with E.O. 12333 or other applicable law.

Departments and agencies will advise the DCI upon the initiation of internal investigations of the unauthorized disclosure of intelligence information and will provide the DCI in a timely manner updated information on the status and disposition of such investigations. Focal point officers of sufficient rank to perform this function effectively will be appointed by the heads of departments and agencies receiving classified intelligence information.

The DCI will maintain and perform analysis of data on unauthorized disclosures of intelligence sources and methods. Reports on the numbers, frequency, nature, severity, status of investigation and other aspects of such compromises will be produced for the Attorney General and other officials requiring such data. An annual report to the President will be produced by the DCI.

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COORDINATING POTENTIAL OFFICIAL DISCLOSURES

No public disclosures that include or are derived from classified intelligence information, including "background briefings," shall be considered authorized unless they are made in accordance with the procedures established by this paragraph.

In order to avoid the inadvertent disclosure of intelligence source and method information, departments and agencies contemplating release of any classified intelligence information will establish procedures to ensure the coordination of such information with the DCI prior to its disclosure to any person not entitled to receive it. The DCI will establish a mechanism to receive requests for the release of classified intelligence information bearing on sources and methods and to respond in timely fashion with the declassification of the intelligence, advice on how the release can be accomplished without damage or with a reasoned denial of authorization to release the information. The DCI will coordinate with appropriate senior officials of the Intelligence Community in formulating responses to requests for release. In all cases involving release of classified intelligence information, documentation will be maintained to identify the material released, by what authority, and to whom. A network of officials of departments and agencies, coordinated by the DCI or his designee, shall be established and maintained to facilitate pre-release advice and guidance. A denial of release by the DCI of source and method information will be binding upon all officials of the government and may be reversed only by the President.

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DEFINITION

Intelligence information: for the purposes of this directive, is classified information concerning or derived from intelligence sources or methods, and which is designated and clearly marked or represented as intelligence by: (a) markings designating it as subject to control as sensitive compartmented information, (b) dissemination and handling restrictive markings established by DCID 1/7, or (c) an intelligence codeword which restricts dissemination to specifically named persons or organizational entities. This includes briefings, films, tapes or other presentations of information derived from material requiring such markings.

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